

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: P. RAPPA et al.

Application No.: 10/073,601

Group Art Unit: 1741

Filing Date: February 11, 2002

Examiner:

For: SYNTHETIC COMBUSTIBLE GAS
GENERATION APPARATUS AND
METHOD

Attorney Docket. No. 81440-100

**DECLARATION OF JOHN A. SCHIFINO, ESQ. IN
SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)**

Box MISSING PARTS

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, John A. Schifino, do declare that:

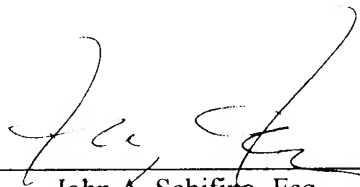
1. I am a citizen of the United States and I reside at 3705 West Granada Street, Tampa, Florida 33629.
2. I am an attorney and an associate of the law firm of Williams, Schifino, Mangione & Steady, P.A., having an office at One Tampa City Center, Suite 2600, Tampa, Florida 33602. I currently represent the assignee of the above-identified application, Earthfirst Technologies, Inc. ("EFTI") in matters relating to Florida law. I hereby make this statement of facts in support of a Petition Under 37 C.F.R. § 1.47(a) and have firsthand knowledge of the facts recited herein.
3. Ruggero Santilli refuses to execute the Declaration and Assignment for the above-identified application.
4. Ruggero Santilli's last known address is:
90 Eastwinds Court
Palm Harbor, Florida 34683.

5. I discussed this matter with Ruggero Santilli's attorneys, Patrick Calcutt and Bryan Kutchins, on a number of occasions on or before November 18, 2002, offering to bring a copy of the application to either of their offices for Santilli's review and execution.

6. Ultimately, Ruggero Santilli agreed to meet to review the application at a meeting at the office of his attorney, Brian A. Kutchins, in Oldsmar, Florida at about 2:00 pm on November 19, 2002. Attendees at this meeting included Ruggero Santilli, his attorneys Bryan A. Kutchins and Patrick B. Calcutt, and his wife Carla Santilli. After roughly a two hour meeting, during which I left him in a conference room with his two lawyers and the complete application, Declaration, and an Assignment for his review, Ruggero Santilli expressly refused to sign the Declaration or the Assignment because he argued that he is the sole inventor of the invention claimed in the above-referenced application.

7. I further declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: 11/21/02



John A. Schifano, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: P. RAPPA et al.

Confirmation No.: 8064

Application No.: 10/073,601

Group Art Unit: 1741

Filing Date: February 11, 2002

Examiner:

For: SYNTHETIC COMBUSTIBLE GAS
GENERATION APPARATUS AND
METHOD

Attorney Docket No.: 81440-100

PETITION UNDER 37 C.F.R. § 1.47(a)

BOX MISSING PARTS

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition under 37 C.F.R. § 1.47(a) that the above-referenced application by inventors Phillip M. Rappa and Richard A. Lyons be permitted to make application since one of the joint inventors of the above-referenced application, Ruggero M. Santilli, refuses to join in the application for patent by signing and executing the Declaration and an Assignment for the above-identified application. In support of this petition, Applicants enclose herewith the Declaration of John A. Schifino, Esq.

The above-identified application is a continuation of PCT Application No. PCT/US00/13465, filed May 16, 2000, and names as inventors: Phillip M. Rappa, Richard A. Lyons, and Ruggero M. Santilli. The PCT application designated the U.S. and listed Ruggero M. Santilli as the Applicant in the U.S. Two of the inventors have duly executed the Declaration and an Assignment of their entire interest in the above-referenced application.

Applicants respectfully request that the above-referenced application be made by the two signing inventors Phillip M. Rappa and Richard A. Lyons on behalf of themselves and the non-signing inventor, Ruggero M. Santilli.

The ownership of the immersed arc technology related to this and other patent applications, and the misappropriation of EarthFirst Technologies, Inc.'s and EarthFirst Nextgas, Inc.'s trade secrets, are currently at issue in a consolidated litigation in Hillsborough

County Circuit Court in Tampa, Florida that is currently captioned *EarthFirst Technologies, Inc. and EarthFirst Nextgas, Inc. v. Ruggero Santilli, Hadronic Press, Inc., and Institute for Basic Research, Inc.*, Main Case No. 02-1492. The inventor, Ruggero Santilli, is a defendant in the litigation. Applicants do not wish to wait for the conclusion of the litigation for this application to be examined and issued, nor would the Patent Office permit such delay.

Applicants respectfully request that the Office dispense with the notice under 37 C.F.R. § 1.47(c) and that no further notice be provided to inventor Ruggero Santilli, since he has had notice of the prior PCT application noted above by virtue of his being listed as the inventor. Moreover, Applicants believe that the invention in the above-captioned application claims subject matter co-invented by all three inventors. The PCT application, however, claims a different invention and listed only Ruggero M. Santilli as an inventor.

The fee for this petition is believed to be \$65.00 (small entity). Please charge the required fee to Winston & Strawn Deposit Account No. 501-814. A copy of this sheet is enclosed.

Respectfully submitted,

11/1/00
Date

Jeffrey A. Wolfson
Jeffrey A. Wolfson (Reg. No. 42,234)
For: Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN
Customer No. 28765

202-371-5770

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